



— PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re application for Reissue of U.S. Patent No. 5,665,114**

Applicant(s): Weadock et al.

Examiner: Unassigned

Serial No.: 09/391,762

Group Art Unit: 3738

Filed: September 8, 1999

Docket: 498-36 RES

For: TUBULAR EXPANDED  
POLYTETRAFLUOROETHYLENE  
IMPLANTABLE PROSTHESES

I hereby certify this correspondence is being  
deposited with United States Postal Service as first class  
mail, postpaid in an envelope, addressed to:  
Assistant Commissioner of Patents, Washington, D.C.

20231, on 11/22/99

Signature *Jennifer B. [unclear] JENNIFER B. [unclear]*

Assistant Commissioner for Patents  
Washington, DC 20231

**REISSUE DECLARATION**

Sir:

I, Kevin Weadock, declare that I am a citizen of the United States and a resident of 424 Court North Drive, Melville, New York 11747, and I, David J. Lentz, declare that I am a citizen of the United States and a resident of 1453 Caminito Batea, La Jolla, California 92037, and I, Richard J. Zdrahala, declare that I am a citizen of the United States and a resident of 6825 Stonewood Court, Eden Prairie, Minnesota 55345, and

that we believe that we are the original and first inventors of the subject matter claimed in U.S. Patent No. 5,665,114 (hereinafter the '114 patent), entitled "Tubular Expanded Polytetrafluoroethylene Implantable Prothesis";

that we reviewed and understand the specification and the accompanying reissue application, including the claims;

that we believe that we are the original and first inventors of the subject matter which is claimed and for which a reissue patent is sought; an

that we acknowledge our duty to disclose to the U.S. Patent and Trademark Office all information known to us to be material to the patentability as defined in 37 C.F.R. §1.56.

We further declare that we believe the above-identified original patent to be partly inoperative or invalid by reason of our claiming less than we had a right to claim in the original patent. Specifically, we believe that the original patent is partly inoperative or invalid for including limitations in the claims which were not required by the prior art.

After reviewing the specification and the issued claims of the '114 patent and consulting with patent attorneys at the law firm of Hoffmann & Baron, LLP, who are outside patent counsel for Meadox Medicals, Inc., we came to the realization that we had inadvertently failed to claim certain aspects of our invention.

We believe that the error constituted inadvertent failure to appreciate the full scope of the claims which were available in view of the prior art, and that the error rose without any deceptive intent on our part.

Claim 13 of the reissue application corresponds generally with claim 1 of the '114 patent. Claim 13, however, differs from claim 1 in at least one respect including, for example:

The limitation "said material being insoluble at a pH of about 7.4. The pH range claimed in claim 1 is operative only for certain specific materials set forth in examples in the specification. The requirement that the material be insoluble at a specific pH of 7.4 was not required by the prior art.

This and other limitations in the claims resulted from the apparent failure of ourselves and our patent counsel to fully appreciate the limiting nature of the cited limitations, as well as a failure to fully appreciate the full scope of the invention as taught by the specification. During

prosecution of the application, we did not fully realize or appreciate the effect of these limitations on the scope of coverage provided by the claims.

We have always felt that a significant aspect of the present invention is that the prosthesis of the present invention includes fluid material in the pores defined between the nodes and fibrils of the expanded polytetrafluoroethylene substrate and that the fluid solidifies in its cross-link to form a solid precipitate of insoluble biocompatible biodegradable material with that material being insolubilized in place. We believe that the absence of the requirement that the material being insoluble at a specific pH of 7.4 enables the full scope of the invention to be appreciated.

Furthermore, we believe that all errors being corrected in the present reissue application arose without deceptive intention on our part.

We declare that all statements made herein of our own knowledge are true, and that all statements made upon information and belief are believed to be true and further, that these statements were made after being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such false statements may jeopardize the validity of this application or any patent issuing thereon.

\_\_\_\_\_  
Date

\_\_\_\_\_  
**Kevin Weadock**  
424 Court North Drive  
Melville, New York 11747

\_\_\_\_\_  
Date

\_\_\_\_\_  
**David J. Lentz**  
1453 Caminito Batea  
La Jolla, California 92037

*Richard J. Zdrachala* *October 20,*  
*1999*  
\_\_\_\_\_  
Date

*Richard J. Zdrachala*  
\_\_\_\_\_  
**Richard J. Zdrachala**  
6825 Stonewood Court  
Eden Prairie, Minnesota 55345



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application for Reissue of U.S. Patent No. 5,665,114

Applicant(s): Weadock et al.

Examiner: Unassigned

Serial No.: 09/391,762

Group Art Unit: 3738

Filed: September 8, 1999

Docket: 498-36 RES

For: TUBULAR EXPANDED  
POLYTETRAFLUOROETHYLENE  
IMPLANTABLE PROSTHESES

I hereby certify this correspondence is being  
deposited with United States Postal Service as first class  
mail, postpaid in an envelope, addressed to:  
Assistant Commissioner of Patents, Washington, D.C.

20231, on

11/22/99

Signature

*Jennifer Burns* JENNIFER BURNS

Assistant Commissioner for Patents  
Washington, DC 20231

REISSUE DECLARATION

Sir:

I, Kevin Weadock, declare that I am a citizen of the United States and a resident of 424 Court North Drive, Melville, New York 11747, and I, David J. Lentz, declare that I am a citizen of the United States and a resident of 1453 Caminito Batea, La Jolla, California 92037, and I, Richard J. Zdrahala, declare that I am a citizen of the United States and a resident of 6825 Stonewood Court, Eden Prairie, Minnesota 55345, and

that we believe that we are the original and first inventors of the subject matter claimed in U.S. Patent No. 5,665,114 (hereinafter the '114 patent), entitled "Tubular Expanded Polytetrafluoroethylene Implantable Prothesis";

that we reviewed and understand the specification and the accompanying reissue application, including the claims;

that we believe that we are the original and first inventors of the subject matter which is claimed and for which a reissue patent is sought; an

that we acknowledge our duty to disclose to the U.S. Patent and Trademark Office all information known to us to be material to the patentability as defined in 37 C.F.R. §1.56.

We further declare that we believe the above-identified original patent to be partly inoperative or invalid by reason of our claiming less than we had a right to claim in the original patent. Specifically, we believe that the original patent is partly inoperative or invalid for including limitations in the claims which were not required by the prior art.

After reviewing the specification and the issued claims of the '114 patent and consulting with patent attorneys at the law firm of Hoffmann & Baron, LLP, who are outside patent counsel for Meadox Medicals, Inc., we came to the realization that we had inadvertently failed to claim certain aspects of our invention.

We believe that the error constituted inadvertent failure to appreciate the full scope of the claims which were available in view of the prior art, and that the error rose without any deceptive intent on our part.

Claim 13 of the reissue application corresponds generally with claim 1 of the '114 patent. Claim 13, however, differs from claim 1 in at least one respect including, for example:

The limitation "said material being insoluble at a pH of about 7.4. The pH range claimed in claim 1 is operative only for certain specific materials set forth in examples in the specification. The requirement that the material be insoluble at a specific pH of 7.4 was not required by the prior art.

This and other limitations in the claims resulted from the apparent failure of ourselves and our patent counsel to fully appreciate the limiting nature of the cited limitations, as well as a failure to fully appreciate the full scope of the invention as taught by the specification. During

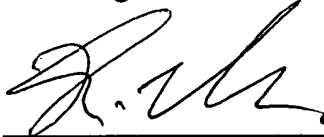
prosecution of the application, we did not fully realize or appreciate the effect of these limitations on the scope of coverage provided by the claims.

We have always felt that a significant aspect of the present invention is that the prosthesis of the present invention includes fluid material in the pores defined between the nodes and fibrils of the expanded polytetrafluoroethylene substrate and that the fluid solidifies in its cross-link to form a solid precipitate of insoluble biocompatible biodegradable material with that material being insolubilized in place. We believe that the absence of the requirement that the material being insoluble at a specific pH of 7.4 enables the full scope of the invention to be appreciated.

Furthermore, we believe that all errors being corrected in the present reissue application arose without deceptive intention on our part.

We declare that all statements made herein of our own knowledge are true, and that all statements made upon information and belief are believed to be true and further, that these statements were made after being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such false statements may jeopardize the validity of this application or any patent issuing thereon.

10-17-99  
Date

  
\_\_\_\_\_  
**Kevin Weadock**  
424 Court North Drive  
Melville, New York 11747

\_\_\_\_\_  
Date

\_\_\_\_\_  
**David J. Lentz**  
1453 Caminito Batea  
La Jalla, California 92037

\_\_\_\_\_  
Date

\_\_\_\_\_  
**Richard J. Zdrahala**  
6825 Stonewood Court  
Eden Prairie, Minnesota 55345



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application for Reissue of U.S. Patent No. 5,665,114

Applicant(s): Weadock et al.

Examiner: Unassigned

Serial No.: 09/391,762

Group Art Unit: 3738

Filed: September 8, 1999

Docket: 498-36 RES

For: TUBULAR EXPANDED  
POLYTETRAFLUOROETHYLENE  
IMPLANTABLE PROSTHESES

I hereby certify this correspondence is being  
deposited with United States Postal Service as first class  
mail, postpaid in an envelope, addressed to:  
Assistant Commissioner of Patents, Washington, D.C.

20231, on 11/22/99

Signature

*Jennifer Bruns* JENNIFER BRUNS

Assistant Commissioner for Patents  
Washington, DC 20231

REISSUE DECLARATION

Sir:

I, Kevin Weadock, declare that I am a citizen of the United States and a resident of 424 Court North Drive, Melville, New York 11747, and I, David J. Lentz, declare that I am a citizen of the United States and a resident of 1453 Caminito Batea, La Jolla, California 92037, and I, Richard J. Zdrahala, declare that I am a citizen of the United States and a resident of 6825 Stonewood Court, Eden Prairie, Minnesota 55345, and

that we believe that we are the original and first inventors of the subject matter claimed in U.S. Patent No. 5,665,114 (hereinafter the '114 patent), entitled "Tubular Expanded Polytetrafluoroethylene Implantable Prothesis";

that we reviewed and understand the specification and the accompanying reissue application, including the claims;

that we believe that we are the original and first inventors of the subject matter which is claimed and for which a reissue patent is sought; an

that we acknowledge our duty to disclose to the U.S. Patent and Trademark Office all information known to us to be material to the patentability as defined in 37 C.F.R. §1.56.

We further declare that we believe the above-identified original patent to be partly inoperative or invalid by reason of our claiming less than we had a right to claim in the original patent. Specifically, we believe that the original patent is partly inoperative or invalid for including limitations in the claims which were not required by the prior art.

After reviewing the specification and the issued claims of the '114 patent and consulting with patent attorneys at the law firm of Hoffmann & Baron, LLP, who are outside patent counsel for Meadox Medicals, Inc., we came to the realization that we had inadvertently failed to claim certain aspects of our invention.

We believe that the error constituted inadvertent failure to appreciate the full scope of the claims which were available in view of the prior art, and that the error rose without any deceptive intent on our part.

Claim 13 of the reissue application corresponds generally with claim 1 of the '114 patent. Claim 13, however, differs from claim 1 in at least one respect including, for example:

The limitation "said material being insoluble at a pH of about 7.4. The pH range claimed in claim 1 is operative only for certain specific materials set forth in examples in the specification. The requirement that the material be insoluble at a specific pH of 7.4 was not required by the prior art.

This and other limitations in the claims resulted from the apparent failure of ourselves and our patent counsel to fully appreciate the limiting nature of the cited limitations, as well as a failure to fully appreciate the full scope of the invention as taught by the specification. During



prosecution of the application, we did not fully realize or appreciate the effect of these limitations on the scope of coverage provided by the claims.

We have always felt that a significant aspect of the present invention is that the prosthesis of the present invention includes fluid material in the pores defined between the nodes and fibrils of the expanded polytetrafluoroethylene substrate and that the fluid solidifies in its cross-link to form a solid precipitate of insoluble biocompatible biodegradable material with that material being insolubilized in place. We believe that the absence of the requirement that the material being insoluble at a specific pH of 7.4 enables the full scope of the invention to be appreciated.

Furthermore, we believe that all errors being corrected in the present reissue application arose without deceptive intention on our part.

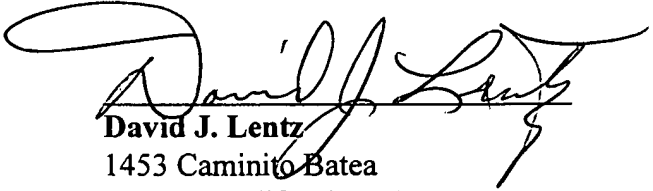
We declare that all statements made herein of our own knowledge are true, and that all statements made upon information and belief are believed to be true and further, that these statements were made after being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such false statements may jeopardize the validity of this application or any patent issuing thereon.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

11/3/99

\_\_\_\_\_  
**Kevin Weadock**  
424 Court North Drive  
Melville, New York 11747

  
\_\_\_\_\_  
**David J. Lentz**  
1453 Caminito Batea  
La Jalla, California 92037

\_\_\_\_\_  
Date

\_\_\_\_\_  
**Richard J. Zdrahala**  
6825 Stonewood Court  
Eden Prairie, Minnesota 55345

*Handwritten signature/initials*



**REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY  
(BY INVENTOR(S) OR ASSIGNEE)**

(complete A or B)

**A. ☒ DECLARATION BY THE INVENTOR(S)**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is described and claimed in letters patent number 5,665,114, granted on September 9, 1997, and for which invention I solicit a reissue patent on the invention entitled Tubular Expanded Polytetrafluoroethylene Implantable Prostheses

the specification of which

- ☐ is attached hereto.
- ☒ was filed on 09/08/99, as reissue application number 09/391,762 / and was amended on \_\_\_\_\_ (if applicable).
- ☐ I hereby declare that there is no assignee for this application.

NOTE: "Where no assignee exists, applicant should affirmatively state that fact. If the file record is silent as to the existence of an assignee, it will be presumed that no assignee exists." M.P.E.P., 6th ed., rev. 1, § 1410.01.

**B. ☐ DECLARATION BY ASSIGNEE**

NOTE: The assignee of the entire interest may make the declaration, if the reissue application does not seek to enlarge the scope of the claims of the original patent. 37 C.F.R. § 1.172.

\_\_\_\_\_, Title \_\_\_\_\_  
(type or print name of declarant)

of \_\_\_\_\_,  
Name of company or legal entity on whose behalf declarant is authorized to sign

declare that I am a citizen of \_\_\_\_\_ and resident of \_\_\_\_\_,  
\_\_\_\_\_, that the entire title to letters patent number \_\_\_\_\_,  
for \_\_\_\_\_,  
granted on \_\_\_\_\_, 19\_\_\_\_ to \_\_\_\_\_  
Inventor(s)

is vested in \_\_\_\_\_  
Name of company or legal entity

that I believe said named inventor(s) to be an original, first and sole inventor (if only one name is listed) or an original, first and part inventor (if plural names are listed) of the subject matter that is described and claimed in the aforesaid letters patent and in the foregoing specification and for which invention I solicit a reissue patent.

**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**  
(37 C.F.R. § 1.175)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

- ☐ In compliance with this duty, there is attached an information disclosure statement in accordance with 37 C.F.R. § 1.98.

**PRIORITY CLAIM**

*NOTE: A "claim" for the benefit of an earlier filing date in a foreign country under 35 U.S.C. 119(a)-(d) must be made in a reissue application even though such a claim was made in the application on which the original was granted. However, no additional certified copy of the foreign application is necessary. M.P.E.P., 6th ed., rev. 1, § 1417.*

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

*(complete C or D)*

- C. ☒ No such applications have been filed.  
D. ☐ Such applications have been filed as follows:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION**

Country	Application No.	Date of filing (day, month, year)	Date of issue (day, month, year)	Priority Claimed
				<input type="checkbox"/> YES    NO <input type="checkbox"/>
				<input type="checkbox"/> YES    NO <input type="checkbox"/>
				<input type="checkbox"/> YES    NO <input type="checkbox"/>

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION**

---

---

---

---

**BENEFIT OF PROVISIONAL APPLICATION**

---

---

---

### POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Charles R. Hoffmann, Reg. No. 24,102; Ronald J. Baron, Reg. No. 29,281; Gerald T. Bodner, Reg. No. 30,449; Alan M. Sack, Reg. No. 31,874; A. Thomas Kammer, Reg. No. 28,226; R. Glenn Schroeder, Reg. No. 34,720; Glenn T. Henneberger, Reg. No. 36,074; Irving N. Feit, Reg. No. 28,601; Anthony E. Bennett, Reg. No. 40,910; Gregory A. Bachmann, Reg. No. P41,593; Steven T. Zuschlag, Reg. No. 43,309; Susan A. Sipos, Reg. No. 43,128; and Kevin E. McDermott, Reg. No. 35,946, each of them of HOFFMANN & BARON, LLP, 6900 Jericho Turnpike, Syosset, New York 11791; and Daniel A. Scola, Jr., Reg. No. 29,855; Salvatore J. Abbruzzese, Reg. No. 30,152; Kirk M. Miles, Reg. No. 37,891; Robert F. Chisholm, Reg. No. 39,939; Kellyanne Merkel, Reg. No. 43,800; John S. Sopko, Reg. No. 41,321; Barry H. Jacobsen, Reg. No. 43,689; and Keith R. Lange, Reg. No. 44,201, each of them of HOFFMANN & BARON, LLP, 1055 Parsippany Boulevard, Parsippany, New Jersey 07054.

- ☐ I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.
- ☐ Attached, as part of this declaration and power of attorney, is the authorization of the above-named practitioner(s) to accept and follow instructions from my representative(s).

---

#### SEND CORRESPONDENCE TO

#### DIRECT TELEPHONE CALLS TO: (Name and telephone number)

- ☒ Address

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791

Salvatore J. Abbruzzese  
973-331-1700

- ☐ Customer Number \_\_\_\_\_

**DE LARATI N**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Signature(s)**

☒ **BY THE INVENTOR(S)**

Full name of sole or first inventor Kevin Weadock

Inventor's signature [Signature]

Date 10-17-99 Country of Citizenship USA

Residence 424 Court North Drive, Melville, New York 11747

Post Office Address (same as above)

Full name of second joint inventor, if any David J. Lentz

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship USA

Residence 1453 Caminito Batea, La Jalla, California 92037

Post Office Address (same as above)

☐ **BY ASSIGNEE OR PERSON AUTHORIZED TO SIGN ON BEHALF OF ASSIGNEE**

NOTE: Even though inventor(s) do not sign, complete above information for inventor(s).

(complete the following, if applicable)

\_\_\_\_\_  
(type name of assignee)

\_\_\_\_\_  
Address of assignee

\_\_\_\_\_  
Title of person authorized to sign on behalf of assignee

☐ Assignment recorded in PTO on \_\_\_\_\_

Reel \_\_\_\_\_

Frame \_\_\_\_\_

☐ A separate ☐ "ASSIGNMENT (DOCUMENT) COVER SHEET"  
or ☐ FORM PTO 1595 is submitted herewith along with the assign-  
ment \_\_\_\_\_

**STATEMENT BY ASSIGNEE**

- ☐ Attached is a "STATEMENT UNDER 37 C.F.R. 3.73(b)," establishing the right of the assignee to take action in this reissue.

\_\_\_\_\_  
Signature of assignee or person authorized to  
sign on behalf of assignee

*(check proper box(es) for any added page(s) forming a part of this declaration)*

- ☒ Signature for third and subsequent joint inventors. Number of pages added.  
      -1-
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added. \_\_\_\_\_
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 C.F.R. § 1.47. Number of pages added. \_\_\_\_\_
- ☐ Statement of inoperativeness or invalidity of original patent. 37 C.F.R. § 1.175. Number of pages added \_\_\_\_\_
- ☐ Authorization of attorney(s) to accept and follow instructions from representative.
- ☐ Corroborating statements of others.

(Reissue Application Declaration and Power of Attorney [17-6]—page 6 of 6)

Full name of third joint inventor Richard J. Zdrahala

**Inventor's signature** \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_

Residence 6825 Stonewood Court, Eden Prairie, Minnesota 55345

Post Office Address (same as above)



#3



# REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY (BY INVENTOR(S) OR ASSIGNEE)

(complete A or B)

## A. ☒ DECLARATION BY THE INVENTOR(S)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is described and claimed in letters patent number 5,665,114, granted on September 9, 1997, and for which invention I solicit a reissue patent on the invention entitled Tubular Expanded Polytetrafluoroethylene Implantable Prostheses

the specification of which

- ☐ is attached hereto.
- ☒ was filed on 09/08/99, as reissue application number 09/391,762 / and was amended on \_\_\_\_\_ (if applicable).
- ☐ I hereby declare that there is no assignee for this application.

NOTE: "Where no assignee exists, applicant should affirmatively state that fact. If the file record is silent as to the existence of an assignee, it will be presumed that no assignee exists." M.P.E.P., 6th ed., rev. 1, § 1410.01.

## B. ☐ DECLARATION BY ASSIGNEE

NOTE: The assignee of the entire interest may make the declaration, if the reissue application does not seek to enlarge the scope of the claims of the original patent. 37 C.F.R. § 1.172.

\_\_\_\_\_  
(type or print name of declarant) Title \_\_\_\_\_

of \_\_\_\_\_  
Name of company or legal entity on whose behalf declarant is authorized to sign

declare that I am a citizen of \_\_\_\_\_ and resident of \_\_\_\_\_,  
\_\_\_\_\_, that the entire title to letters patent number \_\_\_\_\_,  
for \_\_\_\_\_,  
granted on \_\_\_\_\_, 19\_\_\_\_ to \_\_\_\_\_  
Inventor(s)

is vested in \_\_\_\_\_  
Name of company or legal entity

that I believe said named inventor(s) to be an original, first and sole inventor (if only one name is listed) or an original, first and part inventor (if plural names are listed) of the subject matter that is described and claimed in the aforesaid letters patent and in the foregoing specification and for which invention I solicit a reissue patent.



**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF ANDOR**  
(37 C.F.R. § 1.175)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

- ☐ In compliance with this duty, there is attached an information disclosure statement in accordance with 37 C.F.R. § 1.98.

**PRIORITY CLAIM**

*NOTE: A "claim" for the benefit of an earlier filing date in a foreign country under 35 U.S.C. 119(a)-(d) must be made in a reissue application even though such a claim was made in the application on which the original was granted. However, no additional certified copy of the foreign application is necessary. M.P.E.P., 6th ed., rev. 1, § 1417.*

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

*(complete C or D)*

- C. ☒ No such applications have been filed.  
D. ☐ Such applications have been filed as follows:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION**

Country	Application No.	Date of filing (day, month, year)	Date of issue (day, month, year)	Priority Claimed
				<input type="checkbox"/> YES    NO <input type="checkbox"/>
				<input type="checkbox"/> YES    NO <input type="checkbox"/>
				<input type="checkbox"/> YES    NO <input type="checkbox"/>

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION**


**BENEFIT OF PROVISIONAL APPLICATION**


### POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Charles R. Hoffmann, Reg. No. 24,102; Ronald J. Baron, Reg. No. 29,281; Gerald T. Bodner, Reg. No. 30,449; Alan M. Sack, Reg. No. 31,874; A. Thomas Kammer, Reg. No. 28,226; R. Glenn Schroeder, Reg. No. 34,720; Glenn T. Henneberger, Reg. No. 36,074; Irving N. Feit, Reg. No. 28,601; Anthony E. Bennett, Reg. No. 40,910; Gregory A. Bachmann, Reg. No. P41,593; Steven T. Zuschlag, Reg. No. 43,309; Susan A. Sipos, Reg. No. 43,128; and Kevin E. McDermott, Reg. No. 35,946, each of them of HOFFMANN & BARON, LLP, 6900 Jericho Turnpike, Syosset, New York 11791; and Daniel A. Scola, Jr., Reg. No. 29,855; Salvatore J. Abbruzzese, Reg. No. 30,152; Kirk M. Miles, Reg. No. 37,891; Robert F. Chisholm, Reg. No. 39,939; Kellyanne Merkel, Reg. No. 43,800; John S. Sopko, Reg. No. 41,321; Barry H. Jacobsen, Reg. No. 43,689; and Keith R. Lange, Reg. No. 44,201, each of them of HOFFMANN & BARON, LLP, 1055 Parsippany Boulevard, Parsippany, New Jersey 07054.

- ☐ I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.
- ☐ Attached, as part of this declaration and power of attorney, is the authorization of the above-named practitioner(s) to accept and follow instructions from my representative(s).

---

#### SEND CORRESPONDENCE TO

#### DIRECT TELEPHONE CALLS TO: (Name and telephone number)

☒ Address

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791

Salvatore J. Abbruzzese  
973-331-1700

☐ Customer Number \_\_\_\_\_

## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### Signature(s)

#### ☒ BY THE INVENTOR(S)

Full name of sole or first inventor Kevin Weadock

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship USA

Residence 424 Court North Drive, Melville, New York 11747

Post Office Address (same as above)

Full name of second joint inventor, if any David J. Lentz

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship USA

Residence 1453 Caminito Batea, La Jolla, California 92037

Post Office Address (same as above)

#### ☐ BY ASSIGNEE OR PERSON AUTHORIZED TO SIGN ON BEHALF OF ASSIGNEE

NOTE: Even though inventor(s) do not sign, complete above information for inventor(s).

(complete the following, if applicable)

\_\_\_\_\_  
(type name of assignee)

\_\_\_\_\_  
Address of assignee

\_\_\_\_\_  
Title of person authorized to sign on behalf of assignee

☐ Assignment recorded in PTO on \_\_\_\_\_

Reel \_\_\_\_\_

Frame \_\_\_\_\_

☐ A separate ☐ "ASSIGNMENT (DOCUMENT) COVER SHEET"  
or ☐ FORM PTO 1595 is submitted herewith along with the assign-  
ment \_\_\_\_\_

### STATEMENT BY ASSIGNEE

- ☐ Attached is a "STATEMENT UNDER 37 C.F.R. 3.73(b)," establishing the right of the assignee to take action in this reissue.

\_\_\_\_\_  
Signature of assignee or person authorized to  
sign on behalf of assignee

*(check proper box(es) for any added page(s) forming a part of this declaration)*

- ☒ Signature for third and subsequent joint inventors. Number of pages added.  
    -1-
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added. \_\_\_\_\_
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 C.F.R. § 1.47. Number of pages added. \_\_\_\_\_
- ☐ Statement of inoperativeness or invalidity of original patent. 37 C.F.R. § 1.175. Number of pages added \_\_\_\_\_
- ☐ Authorization of attorney(s) to accept and follow instructions from representative.
- ☐ Corroborating statements of others.

(Reissue Application Declaration and Power of Attorney [17-6]—page 6 of 6)

Full name of third joint inventor Richard J. Zdrahala

Inventor's signature

Richard J. Zdrahala

Date

10/20/1999

Country of Citizenship

USA

Residence 6825 Stonewood Court, Eden Prairie, Minnesota 55345

Post Office Address

(same as above)



#3



**REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY  
(BY INVENTOR(S) OR ASSIGNEE)**

(complete A or B)

**A. ☒ DECLARATION BY THE INVENTOR(S)**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is described and claimed in letters patent number 5,665,114, granted on September 9, 1997, and for which invention I solicit a reissue patent on the invention entitled Tubular Expanded Polytetrafluoroethylene Implantable Prostheses

the specification of which

- ☐ is attached hereto.
- ☒ was filed on 09/08/99, as reissue application number 09/391,762 / and was amended on \_\_\_\_\_ (if applicable).
- ☐ I hereby declare that there is no assignee for this application.

NOTE: "Where no assignee exists, applicant should affirmatively state that fact. If the file record is silent as to the existence of an assignee, it will be presumed that no assignee exists." M.P.E.P., 6th ed., rev. 1, § 1410.01.

**B. ☐ DECLARATION BY ASSIGNEE**

NOTE: The assignee of the entire interest may make the declaration, if the reissue application does not seek to enlarge the scope of the claims of the original patent. 37 C.F.R. § 1.172.

\_\_\_\_\_  
(type or print name of declarant) Title \_\_\_\_\_

of \_\_\_\_\_  
Name of company or legal entity on whose behalf declarant is authorized to sign

declare that I am a citizen of \_\_\_\_\_ and resident of \_\_\_\_\_,  
\_\_\_\_\_, that the entire title to letters patent number \_\_\_\_\_,  
for \_\_\_\_\_,  
granted on \_\_\_\_\_, 19\_\_\_\_ to \_\_\_\_\_  
Inventor(s)

is vested in \_\_\_\_\_  
Name of company or legal entity

that I believe said named inventor(s) to be an original, first and sole inventor (if only one name is listed) or an original, first and part inventor (if plural names are listed) of the subject matter that is described and claimed in the aforesaid letters patent and in the foregoing specification and for which invention I solicit a reissue patent.

**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**  
(37 C.F.R. § 1.175)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

- ☐ In compliance with this duty, there is attached an information disclosure statement in accordance with 37 C.F.R. § 1.98.

**PRIORITY CLAIM**

*NOTE: A "claim" for the benefit of an earlier filing date in a foreign country under 35 U.S.C. 119(a)-(d) must be made in a reissue application even though such a claim was made in the application on which the original was granted. However, no additional certified copy of the foreign application is necessary. M.P.E.P., 6th ed., rev. 1, § 1417.*

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

(complete C or D)

- C. ☒ No such applications have been filed.  
D. ☐ Such applications have been filed as follows:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION**

Country	Application No.	Date of filing (day, month, year)	Date of issue (day, month, year)	Priority Claimed
				<input type="checkbox"/> YES    NO <input type="checkbox"/>
				<input type="checkbox"/> YES    NO <input type="checkbox"/>
				<input type="checkbox"/> YES    NO <input type="checkbox"/>

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION**

---

---

---

---

**BENEFIT OF PROVISIONAL APPLICATION**

---

---

---

### POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Charles R. Hoffmann, Reg. No. 24,102; Ronald J. Baron, Reg. No. 29,281; Gerald T. Bodner, Reg. No. 30,449; Alan M. Sack, Reg. No. 31,874; A. Thomas Kammer, Reg. No. 28,226; R. Glenn Schroeder, Reg. No. 34,720; Glenn T. Henneberger, Reg. No. 36,074; Irving N. Feit, Reg. No. 28,601; Anthony E. Bennett, Reg. No. 40,910; Gregory A. Bachmann, Reg. No. P41,593; Steven T. Zuschlag, Reg. No. 43,309; Susan A. Sipos, Reg. No. 43,128; and Kevin E. McDermott, Reg. No. 35,946, each of them of HOFFMANN & BARON, LLP, 6900 Jericho Turnpike, Syosset, New York 11791; and Daniel A. Scola, Jr., Reg. No. 29,855; Salvatore J. Abbruzzese, Reg. No. 30,152; Kirk M. Miles, Reg. No. 37,891; Robert F. Chisholm, Reg. No. 39,939; Kellyann Merkel, Reg. No. 43,800; John S. Sopko, Reg. No. 41,321; Barry H. Jacobsen, Reg. No. 43,689; and Keith R. Lange, Reg. No. 44,201, each of them of HOFFMANN & BARON, LLP, 1055 Parsippany Boulevard, Parsippany, New Jersey 07054.

- ☐ I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.
- ☐ Attached, as part of this declaration and power of attorney, is the authorization of the above-named practitioner(s) to accept and follow instructions from my representative(s).

---

**SEND CORRESPONDENCE TO****DIRECT TELEPHONE CALLS TO:**  
(Name and telephone number)

☒ Address

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791

Salvatore J. Abbruzzese  
973-331-1700

☐ Customer Number \_\_\_\_\_



## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### Signature(s)

☒ **BY THE INVENTOR(S)**

Full name of sole or first inventor Kevin Weadock

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship USA

Residence 424 Court North Drive, Melville, New York 11747

Post Office Address (same as above)

Full name of second joint inventor, if any David J. Lentz

Inventor's signature David J. Lentz

Date 11/3/89 Country of Citizenship USA

Residence 1453 Caminito Batea, La Jolla, California 92037

Post Office Address (same as above)

☐ **BY ASSIGNEE OR PERSON AUTHORIZED TO SIGN ON BEHALF OF ASSIGNEE**

NOTE: Even though inventor(s) do not sign, complete above information for inventor(s).

(complete the following, if applicable)

\_\_\_\_\_  
(type name of assignee)

\_\_\_\_\_  
Address of assignee

\_\_\_\_\_  
Title of person authorized to sign on behalf of assignee

☐ Assignment recorded in PTO on \_\_\_\_\_

Reel \_\_\_\_\_

Frame \_\_\_\_\_

☐ A separate ☐ "ASSIGNMENT (DOCUMENT) COVER SHEET"  
or ☐ FORM PTO 1595 is submitted herewith along with the assign-  
ment \_\_\_\_\_

### STATEMENT BY ASSIGNEE

- ☐ Attached is a "STATEMENT UNDER 37 C.F.R. 3.73(b)," establishing the right of the assignee to take action in this reissue.

\_\_\_\_\_  
Signature of assignee or person authorized to  
sign on behalf of assignee

*(check proper box(es) for any added page(s) forming a part of this declaration)*

- ☒ Signature for third and subsequent joint inventors. Number of pages added.  
      -1-
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added. \_\_\_\_\_
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 C.F.R. § 1.47. Number of pages added. \_\_\_\_\_
- ☐ Statement of inoperativeness or invalidity of original patent. 37 C.F.R. § 1.175. Number of pages added \_\_\_\_\_
- ☐ Authorization of attorney(s) to accept and follow instructions from representative.
- ☐ Corroborating statements of others.

(Reissue Application Declaration and Power of Attorney [17-6]—page 6 of 6)

Full name of third joint inventor Richard J. Zdrahala

**Inventor's signature** \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_

Residence 6825 Stonewood Court, Eden Prairie, Minnesota 55345

Post Office Address (same as above)